

23 April 2010

Dear Mr Goodwin

Further representations on  
Planning Applications 5/2010/0259 and 0260  
**Erection of a two / three storey leisure facility  
comprising swimming pools, etc ...  
at: Westminster Lodge, Holywell Hill**

You wrote to me on 23 March about the decision-making process for the above application. Having now seen the report by the planning department, I have to reiterate that the Society remains concerned about both process and policy aspects of these applications.

## Process

In the first instance, we consider that no member of the Council's Cabinet should be party to the decision. The situation is set out quite clearly in the following recent guidance:

*Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers. A member whose cabinet/executive responsibility effectively makes them an advocate for the development in question almost represents the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the member is able to argue for the development but should not vote on the relevant applications.* (from '**Probity in Planning**' Local Government Association, 2009).

However, our concern extends further than this. We consider that members of the planning committee must be aware of, and cannot but be influenced by the decisions taken by their peers and senior political colleagues on the Cabinet. The fact that the decision-making authority itself has invested considerable capital in this particular development proposal will also weigh heavily with each member of the committee. The situation is exacerbated by the fact that the decision is to be made in the week before local elections take place. We appreciate that there is no formal purdah period for planning decisions made by local authorities. For the great bulk of applications, this is not a matter of concern. However, in this case, there is considerable political interest in the outcome, and there has been much comment in the local press. This cannot but be noticed by members of the planning committee, and colour their decision.

There has also been a somewhat surprising announcement by the Council, in advance of obtaining planning permission, soliciting tenders for the construction of the project.

Should this case become the subject of a Judicial Review, one wonders what the outcome might be? In the circumstances, our view is that this decision ought, at the very least, to be delayed until after the election.

cont....

## **The Planning Application**

Turning now to the application, I restate that overall, the Society is supportive of the principle of constructing a major new swimming pool in this location. However, what is at issue is the size and scale of the facilities to be provided, and the consequent implications for the building.

The suggestion is made in the report (page 42) that the officers do not assess the issues in relation to the size of the pool or the nature of facilities to be provided internally and suggests that this is an organisational and management issue. This is simply extraordinary!

Consider the example of a school, located in the Green Belt, and planning a new swimming pool (or, for that matter, any other type of sports facility). There is no question that the applicant would have to demonstrate that the pool (or sports facility generally) needed to be of a certain size in order to meet its requirements. This would form part of its case of 'very special circumstances'. Without this information, the planning authority would rightly refuse permission.

In this context, members should note that the issue of the size of the proposed pool and sports facilities for St Albans School was an important part of the deliberations on application 5/2004/1909. If such discussion was appropriate in that case (there are others) it is equally appropriate here. The officers seem to have set aside this aspect rather too readily.

On the other hand, if the view is taken that a marginal increase in water space is sufficient, then the applicant must demonstrate that it cannot be provided without extending into the Green Belt. No evidence, other than vague assertions, has been offered on this aspect.

Although perhaps not an ideal comparison, the Committee should note that the footprint of the present building would actually fit on the proposed site without needing to extend into the Green Belt. The introduction of a wide range of additional elements not present in the existing building is an important factor in the greatly increased footprint. As such, there is a requirement for full justification of the totality of the contents of the building. This would be required of any commercial developer. The committee surely must ensure that its approach with applications by its own Council is consistent with the principles it applies to others.

Finally, we endorse the observations of conservation and design, the architects panel, and English Heritage noted in the report. To our mind, these are not given sufficient weight in the discussion and the current proposal should be rejected until their concerns are adequately addressed.

I would be obliged if this letter could be drawn to the attention of members of the committee.

Yours sincerely

Peter Trevelyan (Chairman)

copies to Heather Cheesbrough, Alan Moorhouse, Mike Lovelady, Cllr Brazier (Chair of Planning Referrals)